REMARKS

Claims 42-68 are currently pending with claims 42, 55, and 64 being independent. Each of the independent claims stands rejected as being obvious over Willey (U.S. Pat. App. Pub. No. 2005/0124358) in view of Weisman (U.S. Pat. No. 6,839,417). Neither of these references teaches or suggests, alone or in combination, every limitation of the independent claims.

Claim 42 is directed to a push-to-talk (PTT) controller that establishes a local ad hoc group session between an inviting mobile terminal and one or more other mobile terminals located within a specified local area of the inviting mobile terminal. Claim 42 recites, "a presence server configured to *identify* one or more local mobile terminals that are within a local area of an inviting mobile terminal…[and]… a group server configured to create an ad-hoc group for a local ad-hoc group session including the inviting mobile terminal and one or more of the local mobile terminals within the local area of the inviting mobile terminal." Thus, the presence server of the claimed invention identifies one or more mobile terminals within a local area of the inviting mobile terminal, and then a group server creates a group from one or more of those identified mobile terminals.

The primary reference, Willey, discloses a mobile communication device that monitors a quick paging channel and conditionally terminates its use of that channel based on whether the device is connected to a predetermined power source. As acknowledged in the Office Action, Willey does not teach or suggest, "a presence server configured to identify one or more local mobile terminals that are within a local area of an inviting mobile terminal." The secondary reference, Weisman, does not remedy Willey.

Weisman discloses a method of managing conference calls. In Weisman, the creator of the conference call creates a conference call record by providing the specifics of the call (e.g., participants, rules, number of allowed participants, etc.) to a conference server. The creator then sends out invitations to join the call. When the conference call becomes active, the

invitees connect to the conference server and select a conference call to join. Provided the calling participant satisfies the call access requirements, the participant will be allowed to join the call. *E.g., Weisman*, col. 28, ll. 36-57.

There is no discussion in Weisman of "a presence server configured to identify one or more local mobile terminals that are within a local area of an inviting mobile terminal." Although Weisman monitors a participant's geographical location and uses that information to constrain participation in a call, that information is centrally stored and used to limit access <u>at the time a participant attempts to join the call</u>. *E.g., Weisman*, col. 27, ll. 41-62. Weisman never uses the location information to identify mobile terminals within a local area of an inviting mobile terminal so that a group server can create an ad hoc group from those identified terminals.

A server that limits access to a call at the time a potential conference participant asks to join the call does not teach or suggest a presence server that identifies one or more mobile terminals within a local area of an inviting mobile terminal. Nor does it teach or suggest a group server that establishes a group call using one or more of the identified mobile terminals. Therefore, Weisman fails to teach or suggest the same limitations of claim 42 as Willey. And, since both references fail to teach or suggest these limitations, their combination necessarily fails to teach or suggest these limitations. Accordingly, neither reference teaches or suggests, alone or in combination, claim 42 or any of its dependent claims.

Additionally, Willey also fails to teach or suggest a group server that creates a group from one or more of the mobile terminals identified by the presence server. The Office Action cites the discussion in Willey of a Push-To-Talk over Cellular (PoC) system to support the assertion that Wiley discloses the claimed group server. However, the cited portions of Willey merely provide a general discussion of a PoC system and the basic *conventional* purposes of some of the components. *Willey*, pp. 5-6. ¶¶[0044-0050]. Willey says nothing of a group server configured to create an ad-hoc group for a local ad-hoc group session including an inviting

mobile terminal and one or more of the local mobile terminals identified by the presence server. Nor is there any indication in Weisman whatsoever of a group server that creates a group from one or more of mobile terminals identified by the presence server.
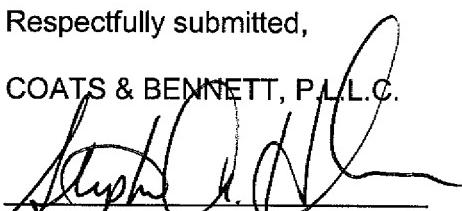
The remaining independent claims 55 and 64 also stand rejected as being over Willey in view of Weisman for substantially the same reasons as those stated for claim 42. Claim 55 is directed to a method of establishing a local ad hoc group session in a wireless network between an inviting mobile terminal and one or more local mobile terminals. Claim 64 is directed to a push-to-talk controller in a wireless network that establishes a push-to-talk communication session for a local ad hoc group and recites. Both independent claims recite language similar to that of claim 42. As such, for reasons similar to those stated above, neither Willey nor Weisman, alone or in combination, teaches or suggest any of the claims or their dependent claims.

Finally, the Office Action indicates that dependent claims 48 and 60 are obvious over Willey in view of Weisman and Winchell (U.S. Pat. App. Pub. No. 2002/0151321). However, since their respective independent claims are patentable over the cited art, so, too, are claims 48 and 60. Additionally, Winchell does not remedy the deficiencies of Willey and Weisman. Therefore, claims 48 and 60 are non-obvious over the cited references.

In light of the foregoing remarks, Applicant respectfully requests the allowance of all pending claims at the Examiner's earliest convenience.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

Dated: October 19, 2009

Stephen A. Herrera
Registration No.: 47,642

Telephone: (919) 854-1844
Facsimile: (919) 854-2084